

FREEDOM COURT REPORTING

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

Case No. 2:08-cv-422- TJW

DEPOSITION OF LORRAINE MUTCH

May 6, 2010

PATTY BEALL, MATTHEW MAXWELL, TALINA McELHANY and
KELLY HAMPTON, individually and on behalf of all
others similarly situated,

Plaintiffs,

vs.

TYLER TECHNOLOGIES, INC., and EDP ENTERPRISES, INC.,
Defendants.

APPEARANCES:

ZELBST, HOLMES & BUTLER

By Chandra L. Holmes Ray, Esq.

P.O. Box 365

Lawton, Oklahoma 73502

Appearing on behalf of Plaintiffs.

MORGAN, LEWIS & BOCKIUS, LLP

By Paulo B. McKeeby, Esq.

1717 Main Street, Suite 3200

Dallas, Texas 75201-7347

Appearing on behalf of Defendants.

Also Present: H. Lynn Moore, Jr.

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1 Pursuant to Notice and the Federal Rules
 2 of Civil Procedure, the deposition of LORRAINE
 3 MUTCH, called by Defendants, was taken on Thursday,
 4 May 6, 2010, commencing at 8:18 a.m., at 216 16th
 5 Street, Suite 650, Denver, Colorado, before Beth
 6 Milliken, Court Reporter and Notary Public within
 7 and for the State of Colorado.

8

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I N D E X

10 DEPOSITION OF LORRAINE MUTCH

11 EXAMINATION BY:

PAGE

12 Ms. Holmes 114, 116

13 Mr. McKeeby 3, 115

14

15 EXHIBITS

INITIAL REFERENCE

16 Exhibit 1 Letter from Boen to 11
Mutch, 11/9/0617 Exhibit 2 Time Report pertaining 104
18 to Mutch, 12/3/06 to
7/22/07

19 Exhibit 3 Resume of Lorraine Mutch 108

20 Exhibit 4 Consent to Opt In 111
21 pertaining to Lorraine
Mutch, 7/23/09

22

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1 work, data entry, helping them out with the
2 implementation. So seeing everything they did, no;
3 doing a lot of the work, yes.

4 Q I'm not sure if I understood your last
5 answer. You -- let me see if I can help you.

6 You spent less time working while you were
7 shadowing because you were doing only part of the
8 work?

9 A Not less time, but I did a lot of the
10 data entry that typically the client would do or
11 they would have to do.

12 Q So the -- okay. Well, let me make sure I
13 understand. I think you said that in terms of
14 comparing the number of hours that you worked on a
15 weekly basis, they would have been higher when you
16 were on your own doing implementations?

17 A Correct.

18 Q And -- and -- okay. So I apologize if I
19 misunderstood. But why is that?

20 A Because I was junior --

21 Q Okay.

22 A -- I didn't have the experience of the
23 seniors --

24 Q Okay.

25 A -- to do an implementation.

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1 Q So it just took you longer?

2 A Correct.

3 Q Okay. I just want to make sure I
4 understand. So can you -- if we looked at your
5 Day-Timer, assuming it still exists, what do you
6 think it would say with respect to the number of
7 hours that you worked average during a work week
8 while you were shadowing the three implementation
9 specialists that we've talked about?

10 A 60.

11 Q And in that 60 hours, are you including
12 your travel time?

13 A No.

14 Q That 60 hours is just time spent at the
15 customer site?

16 A Yes. 55, 60 hours.

17 Q And is there any other document, other
18 than your Day-Timer, that we might look to to
19 determine what particular number of hours you might
20 or you may have worked during particular weeks?

21 A No.

22 Q Same -- well, let me -- similar question.
23 With respect to the time that you spent when you
24 were doing implementations on your own, what would
25 be the estimate of the hours that you work on a

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1 weekly basis during that period?

2 A 55, 60 hours.

3 Q Okay. And I take it that there are no
4 documents, other than the Day-Timer, if we could
5 track it down, that you could identify that would --
6 we could look at to show how many hours during a
7 particular week during that period of time when you
8 were doing implementations on your own?

9 A No.

10 Q What was the software that you were
11 implementing?

12 A INCODE financials.

13 Q So when you're going to these different
14 customers, you're dealing with government bodies?

15 A Yes.

16 Q Any -- can we be more specific than that?

17 A Cities, small cities.

18 Q Okay. So let me take an example of --
19 let's just use Bonifay, Florida, for an example so
20 that you can kind of walk me through what you did.

21 I take it that at some point you would have
22 received a communication either by e-mail or
23 telephone that you would be going to Bonifay,
24 Florida, to assist with an implementation?

25 A Correct.

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1 Q What would you be given, in terms of any
2 documents, before you go on the trip to Bonifay,
3 Florida, for the implementation?

4 A I don't recall receiving any documents.
5 They would have just had the basic contract.

6 Q The contract between Tyler and the city?

7 A Uh-huh.

8 Q Is that yes?

9 A But I -- yes.

10 Q What were you going to say?

11 A I don't recall what documents I would
12 get, minimum what the implementation would include.

13 Q Okay. Would there be any information
14 about the -- the city's previous software systems
15 that you would need to learn?

16 A No.

17 Q Would there be any schedule that you
18 would need to look at that would govern the work
19 that you were to perform while you were at the
20 customer site, or was that something that was worked
21 out once you got there?

22 A I don't recall.

23 Q Did you ever -- while you were on one of
24 your plane flights to the customer site, like -- for
25 example, when I was flying to Denver for your

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1 Q And would you use some type of form to
2 communicate, or would you just do a narrative e-mail
3 or some other alternative?

4 A Narrative e-mail, phone.

5 Q Did you have different project managers
6 to whom you were assigned, or was it just one
7 person? And I'm not talking about generally at
8 Tyler. Did each different location have a different
9 project manager?

10 A No.

11 Q It was one project manager?

12 A One project manager.

13 Q And was it the same project manager for
14 each of these locations?

15 A That's correct.

16 Q And who was that?

17 A Dyke was a contact. And there was
18 another lady that was also a contact that was -- I
19 don't remember her name. So they were both, like,
20 project managers, contacts there.

21 Q Was it Darlene?

22 A Darlene.

23 Q Is that her name?

24 A I don't -- I don't recall what her name
25 was. It could have been.

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1 Q But Dyke served as a project manager?

2 A Yes. Or point of contact.

3 Q But when you say you would be sending
4 narrative e-mails of the findings that came from
5 your information gathering that you testified to,
6 that would have been sent either to Dyke Ellison or
7 this woman that you mentioned?

8 A Correct.

9 Q Is security setup, does that mean setting
10 up the system to determine what data goes to what
11 individuals, or what does security setup mean?

12 A No. It actually means -- user ID. You
13 as a user, you as a user, you as a user. So
14 everyone has an ID. And -- and the security sets up
15 as you have access to whatever data. The server --
16 the server has all the data on it. You would be
17 able to access certain portions of that accounting
18 software, but you wouldn't be able to see. Say you
19 are human resources --

20 Q Okay.

21 A -- you wouldn't see financial.

22 Q Okay. So then what I'm -- if I'm hearing
23 you correctly and understanding you correctly, the
24 security setup aspect of this would be you talking
25 to your contact to determine what portions of the

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1 database or what data would need to be provided to
2 particular persons?

3 A Yes.

4 Q That's what's involved in security setup?

5 A Yes.

6 Q And you need to know that information as
7 an implementer because you need to configure the
8 Tyler software to match their expectations?

9 A Their -- yes. Their -- not -- not
10 totally everything, but the security user IDs,
11 security setup, those types of things. The
12 configuration, really.

13 Q Right. But at a general level, you're
14 gathering this information about user IDs, about
15 security setup, about reporting to help with the
16 configuration process and the conversion process to
17 the new Tyler software?

18 A I didn't do the conversion. Somebody
19 else handled the conversion. But, yes, in setting
20 up the user IDs, identifying -- I will say cities do
21 business the same way. They're, you know, bonds,
22 grants. They all do business the same way. It's
23 not, you don't go to one location and they're doing
24 something entirely different with a different set of
25 business rules. Everybody kind of does business the

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1 same way with the city and county.

2 Q Well, at least with the respect to the
3 ones that you worked with at Tyler?

4 A Correct. Payroll.

5 Q Who did the configuration if it wasn't
6 you? Or did you say conversion?

7 A Conversion.

8 Q Is there -- is there a difference in your
9 mind between conversion and configuration?

10 A Absolutely.

11 Q Okay. Tell me, if you can, what does
12 conversion mean in the context of the Tyler
13 software?

14 A Conversion is converting their data.

15 Q From the old system to the new system?

16 A Correct.

17 Q And that's something that you did not do?

18 A I did not.

19 Q Who at Tyler, while you were employed
20 there, converted -- did the conversion work?

21 A They had a team that worked on the
22 conversion of data --

23 Q And that --

24 A -- so they would log on to the server.

25 Q And that was a team that was based in

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1 Lubbock?

2 A Yes.

3 Q Did they call it the conversion team?

4 A I don't recall what they were called.

5 Q Did you interact or interface with the
6 conversion team at all in terms of your functions as
7 an implementation specialist?

8 A Well, you had to sign on or call them so
9 they could sign onto the server. So they did their
10 own portion of that work.

11 Q Okay. You weren't communicating the
12 results of your information gathering in the, what
13 we've talked about, determining security setup,
14 looking at reports and user IDs, you weren't
15 communicating the information that you learned from
16 that process to the conversion team?

17 A No. That was all done through the
18 project manager.

19 Q All right. What does configuration mean?

20 A Configuration is the setup of security,
21 user IDs, basic setup.

22 Q Did you do that?

23 A Yes.

24 Q That was part of your implementation
25 functions?

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1 A (Nodded head.)

2 Q Is that yes?

3 A Configuration, yes.

4 Q Would you do any configuration typically
5 during that first week while you were at the client
6 site, or would that come later?

7 A That was usually done in the very
8 beginning.

9 Q So during that first week?

10 A The first week everybody was set up with
11 access to the database because at that point they
12 weren't live.

13 Q Right.

14 A It was just...

15 Q Well, the setup, the security setups and
16 the user IDs, that had to be established in the new
17 software, correct?

18 A Correct.

19 Q And that's what configuration is?

20 A That's correct.

21 Q And you -- part of your work as
22 implementation specialist was to do that
23 configuration?

24 A Work with the customer to do that. The
25 customer was -- you want to make the customer have

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1 ownership of the software as quickly as possible.

2 So we didn't do anything alone. The customer was
3 involved in everything we did.

4 Q So when you're doing the configuration,
5 you're involving the customer in terms of getting
6 the customer's input as to how they want the system
7 configured?

8 A Yes.

9 Q And, again, this is that contact person?

10 A Yes.

11 Q And so does this dialogue occur during
12 this first week that you are at the customer site?

13 A Yes.

14 Q And this is obviously before you go live?

15 A Yes.

16 Q And I take it that the go-live process
17 doesn't occur during the first week?

18 A No.

19 Q How -- I'll ask it this way: How long
20 did the configuration process take place at the
21 Bonifay, Florida, implementation?

22 A We were there a week.

23 Q And did it take you a week to do the
24 configuration?

25 A Yes.

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1 Q And does the configuration aspect of the
2 implementation that took a week in Bonifay, Florida,
3 involve you having discussions, I take it, with your
4 contact person?

5 A Yes.

6 Q To learn what the customer's preferences
7 are with respect to system setup?

8 A Yes.

9 Q And are you also learning -- are you also
10 advising the customer during that dialogue about
11 what Tyler software can do?

12 A No.

13 Q This doesn't come into play at all?

14 A No.

15 Q And this one-week period to do the
16 configuration, is that representative of other
17 implementations that you -- that you did?

18 A Yes.

19 Q Were you ever on the work site of the
20 customer after hours?

21 A Yes.

22 Q What would you be doing after hours?

23 A Working with customer. The customer
24 always had to be there, obviously. Their door is
25 locked after a certain time, so the customer was

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1 there.

2 Q So just some of the configuration
3 functions that you described was after the customer
4 had locked the doors?

5 A Yes. They still had to carry on their
6 day-to-day work.

7 Q Sure. Which meant that they didn't
8 always have time for you to do -- to work with you,
9 I take it?

10 A Well, I would sit with them and observe
11 what they were doing.

12 Q During this dialogue related to
13 configuration, would the customer ever ask you
14 questions about different options that they might
15 have with respect to security setups or anything
16 like that?

17 A No. They're the ones that identified
18 what their security was going to be. I wasn't there
19 to give them advice.

20 Q What about with respect to the reporting
21 functions of the software? Did they ever ask
22 questions about what Tyler software could do with
23 respect to what types of reports it could generate?
24 Was your function explaining any of that process?

25 A Whoever had completed the sale actually

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1 showed -- probably showed them a demo. I wasn't
2 involved in that. So they had -- they knew most of
3 that going into the -- when they purchased the
4 software.

5 Q But did they ever ask -- did the customer
6 ever ask you questions about different types of
7 reports that the Tyler system might be able to run
8 that may have been different from the systems that
9 they generated under their previous software?

10 A No, no.

11 Q Why was it important for you to -- you
12 told me that one of the things that you did to
13 prepare for these meetings was to review the manuals
14 that we talked about. Why was that important for
15 you to know that?

16 A Just the applications themselves.

17 Q Yes. Why? What about -- what part of
18 your job while you were at the customer site
19 required you to know the contents of the manuals and
20 the specifications of the software that Tyler was
21 providing?

22 A It didn't have specifications. It was
23 just screen shots of the application itself.

24 Q And -- okay. Why was it important for
25 you to know the screen shots of the application

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1 itself in connection with a function that you were
2 performing?

3 A Just to familiarize myself. We did
4 after -- after hours, we always prepared for the
5 next day. We had the software on our computer. We
6 did -- went over --

7 Q The Tyler software?

8 A -- went over what we were doing, just to
9 prepare for the next day, like you probably would.

10 Q What type of training did you perform
11 during this first week? Again, using Bonifay as an
12 example, but more asking about the typical process.

13 A Training the first week?

14 Q Yeah. Did you do any training?

15 A The customer was involved from the very
16 beginning of -- of your point -- your first contact
17 there, the customer was involved, which is training
18 the customer.

19 Q Okay. Was there any part of this first
20 week's activity that involved sitting down with
21 users and explaining to them how to work with the
22 Tyler software?

23 A No. Other than setting up the user IDs,
24 that type of thing. So, in fact, when you're
25 showing them how to do that, that is training.

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1 Q And the person that you're showing how to
2 do that is the contact person?

3 A Would be the contact person. Or let's
4 say there is a payroll person, that is your contact.
5 Whoever that contact is is who you're sitting down
6 with talking to.

7 Q And how about -- let's take an example
8 of, one of the things that Tyler software does is to
9 run payroll reports, right?

10 A The customer runs those.

11 Q Right. But the software, they run it
12 with the software?

13 A Sure, yes.

14 Q Okay. And that's -- that's one of the
15 functionalities of the software, is to do the
16 company's payroll?

17 A Correct.

18 Q The customer's payroll, correct?

19 A Correct.

20 Q Okay. Did you ever do any training, in
21 the sense of here's how the Tyler software works
22 with respect to, for example, payroll; here's the
23 types of reports you can run; here's the types of
24 functionalities that the software has. And, you
25 know, sitting with a user, explaining to them how to

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1 use the software. Is that -- was that something you
2 did or something that someone else did or do you
3 know?

4 A Not the first week, no.

5 Q That was something that was done by you
6 later on?

7 A Later on, that was part of the training.

8 Q Right. And the training that you're
9 talking about that went on during the first week was
10 the customer interaction and explaining to the
11 customers the different security setups and working
12 with the customer in that sense.

13 A The security setups that they gave you,
14 yes.

15 Q That the customer gave you?

16 A Yes.

17 Q So that's -- I just want to make sure
18 that you're comfortable with a distinction between
19 that type of training versus showing someone how to
20 use the software.

21 A I didn't show them. They -- they were
22 involved. We didn't show them how to use it. We
23 let them -- told them -- walked them through it, you
24 know, so they would have ownership of it, know how
25 to use it.

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1 Q But in terms of showing users that may be
2 different from this first contact person that you
3 dealt with different functionalities associated with
4 different software, either one or one or in a
5 classroom, is that something that you did --

6 A We're not -- one on one.

7 Q Okay --

8 A One on one.

9 Q -- and you did that later on, not
10 necessarily during the first week?

11 A Not during the first week, no.

12 MR. McKEEBY: Okay. Let's take a short
13 break.

14 (Recess from 9:35 a.m. to 9:44 a.m.)

15 Q (By Mr. McKeeby) All right. Ms. Mutch,
16 I want to come back to some of the topics we were
17 talking about before the break.

18 With respect to configuration as a process
19 generally, you talked about setting up user IDs and
20 doing security setups as, as I understood it,
21 examples of some of the things that you did when
22 you're in the configuration process; is that
23 correct?

24 A That's correct.

25 Q Is there -- there's other elements of

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1 Any other ways that you would communicate this
2 information to the project manager, other than
3 telephone?

4 A No. Is there any other way?

5 Q I don't know. Maybe there's a different
6 form or some type of form. That's all I can think
7 of. But there was no other form?

8 A No.

9 Q Okay. So when you would -- after that
10 first week with the customer, would you -- would
11 there be a schedule in place such that you would
12 know you would have to come back in a certain amount
13 of time?

14 A Yes.

15 Q And would you know what that certain
16 amount of time would be, or would that be set up at
17 some later time?

18 A That would be a schedule that was
19 communicated by Tyler because they set up the
20 flights, set up the time, time for you to go back.

21 Q So when you're on your plane from Florida
22 to Denver returning from the Bona -- what is it?

23 A Bonifay.

24 Q Bonifay implementation, do you know,
25 okay, I know I'm going to have to come back here in

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1 two weeks? Or do you just know you're going to have
2 to come back, and you'll be told when you're going
3 to have to come back?

4 A It was usually two to three weeks. I
5 mean, you kind of had an idea.

6 Q Okay. Nothing had been scheduled firm at
7 that point?

8 A No.

9 Q Okay. And --

10 A I don't believe so. It -- it might have
11 been.

12 Q Okay.

13 A I don't remember.

14 Q All right. At some point, you would go
15 back?

16 A Yes.

17 Q And you would be told when to go back?

18 A Yes.

19 Q And this would be for the second week of
20 the implementation that you were involved in?

21 A Yes.

22 Q And this second week, I take it, involved
23 training?

24 A Uh-huh.

25 Q Is that yes?

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1 A Yes.

2 Q And this is the one-on-one training that

3 we talked about?

4 A Yes.

5 Q And it would also involve the go-live

6 process?

7 A Yes.

8 Q Would it involve additional configuration

9 that would come up?

10 A Not typically.

11 Q Okay. That's because the configuration

12 work had been performed during that first week?

13 A Correct.

14 Q Okay. So other than training and

15 assisting with go-live, any other discrete

16 categories of your function as an implementation

17 specialist you can assign to this second week when

18 you would return to the customer site?

19 A Well, depending on how much information

20 that they needed to bring over. If they were doing

21 a year, sometimes it meant helping them, showing

22 them how to enter the data, helping them with that

23 process. So you might actually be entering -- you

24 might both be entering in data at the same time for

25 the same, let's say, accounts payable, whatever. So

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1 you show them how to do it, make sure they
2 understand that. And then you're helping do that
3 process along with them.

4 Q Okay. Is that function discrete from the
5 one-on-one training that you described?

6 A Yes.

7 Q How so?

8 A It is training in the fact that you show
9 them how to do it. But depending on if they're
10 bringing over a year's worth of data, you want to
11 make sure that the data is all there, that you've
12 entered everything.

13 Q So you're just confirming that the
14 conversion has been done correctly?

15 A In that process, some of it includes
16 depending on how much information they need to bring
17 over. But the current year, yes, you want to make
18 sure that the data is brought over correctly. So
19 some -- many times it's entry work, just helping
20 them with their entry work to move that process
21 along a little bit quicker.

22 Q And how do you know whether or not data
23 was brought over correctly?

24 A Well, if you're doing the entry, you're
25 actually entering in the data from -- from, like,

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1 the -- you can do in-total, or you can do line by
2 line, whatever the customer would like to do.

3 Q Right. But how do you know if there's
4 been a problem with the conversion? What is it that
5 you're seeing on the system to alert you that
6 something hadn't been converted properly, if that's
7 what we're talking about?

8 A Well, it's -- it's two different things.
9 If you are -- if they're not bringing over any
10 history, they're only doing, like, ending balances,
11 then you would do the entry work. They would be
12 doing entry work on, say, their customers; payroll
13 entry; you know, detail; the balances from the
14 previous year for their, you know, 1099s, or
15 whatever, or W-2s.

16 Q I don't think you're answering my
17 question. My question is: One of the things that,
18 at least as I understand your testimony, that you
19 would do during this second week would be to assist
20 with entering data and making any corrections that
21 were the result of any conversion problem.

22 Do I have it wrong about this last step, that
23 you're not -- that corrections weren't a result of
24 the conversion problem?

25 A No, no.

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1 A Yes.

2 Q And that's a different checklist than
3 we've talked about today?

4 A Same. I mean, same checklist.

5 Q And so your testimony is that you used
6 that checklist and talked to the client and set out
7 a time line for that week's activities?

8 A Yes.

9 Q And does -- is it typical for the
10 customer to go live during that second week, or is
11 that something that happens later?

12 A It happens the third week.

13 Q Are you there when it happens the third
14 week?

15 A Yes.

16 Q Okay. Does that mean you typically stay
17 that weekend at the location, or do you fly back and
18 forth?

19 A It was easier for me to stay that
20 weekend.

21 Q And so that's what you did?

22 A Yes.

23 Q So this time line or schedule that is the
24 result of your meeting with the contact, I take it
25 that has times for you to meet with different

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1 personnel?

2 A Yes.

3 Q What else does it have in terms of
4 outline of what you're going to be doing that week?
5 Meetings with different personnel is one. What are
6 other elements of that -- of that schedule or time
7 line?

8 A Getting their chart of accounts set up,
9 helping with -- for example, if it was payroll,
10 helping them with the -- you know, the payroll
11 setup, just trying to get everything set up so when
12 they did go live, everything would be ready to go.

13 Q And that's on this time line, or...

14 A Yeah. The second week. And that gives
15 you time to -- if there are any problems or any
16 issues with anything, to move forward with, you
17 know, any -- any problems that they had or that you
18 may, you know, anticipate, or...

19 Q The -- let me just kind of give a -- get
20 a preview of the third week. The third week is the
21 week in which they go live?

22 A Yes.

23 Q And do they go live typically at the
24 beginning of the week, at the end of the week, or
25 any particular period of time?

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1 A We try to -- it's usually, you know, at
2 the end of the week. Because that third week, we
3 try to let them run parallel payroll, do some
4 parallel functions to make sure everything is
5 correct.

6 Q And do you monitor those functions?

7 A Yes.

8 Q And when you say to ensure everything is
9 correct, what does that mean? .

10 A The reporting, the payroll. If they're
11 doing a parallel payroll, you look at the payroll
12 that they did in the old system, the payroll they
13 did in the new system, if there's any discrepancies,
14 then you have -- definitely have a problem. You
15 need -- something -- either a code isn't coming over
16 correctly or is not set up correctly. So just those
17 type of things.

18 Q What would you do if there was such a
19 discrepancy?

20 A You try to help them figure out what the
21 problem is. It's usually something that hasn't been
22 entered quite right or a pay code not -- not
23 entered.

24 Q And would that have been something that
25 the conversion team had done incorrectly?

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1 A Typically, no.

2 Q Okay.

3 A It might be something that they forgot to
4 communicate, or...

5 Q In any event, it's, at a general level,
6 without saying who's fault it was, it wasn't --

7 A Absolutely.

8 Q -- it's a -- it's a problem with the
9 conversion, though?

10 A Yes.

11 Q So as of that third week while you're
12 there, the conversion had been completed?

13 A Yes.

14 Q At least initially before you discovered
15 any problems that required additional conversion?

16 A Yes.

17 Q All right. Let me go back to week two.

18 A Okay.

19 Q That was my preview for week three. The
20 setting up times to meet with different personnel, I
21 take it this is the one-on-one training that you
22 talked about before we broke?

23 A Yes.

24 Q And how do you determine how much
25 training to provide a particular employee? Is there

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1 should be, like, the last thing you do.

2 Q Okay. And what did you do in that
3 example that you're thinking of when -- when the
4 pooled cash wasn't properly set up?

5 A Then you had to get the project manager
6 involved to help with that.

7 Q And what, in terms of what you did, did
8 getting the project manager involved entail?

9 A A phone call.

10 Q Okay. So you would explain the problem
11 to the project manager, and they would do whatever
12 they needed to do to try to resolve it?

13 A Uh-huh, yes.

14 Q And then would there -- they run the
15 software again and you would monitor it to make sure
16 the problem had been corrected?

17 A That's correct.

18 Q How many days did you spend at the
19 customer's facility after they had gone live,
20 typically?

21 A Provided everything went great, you could
22 leave on Friday. If there was some other problems,
23 you may be there over the weekend, you know, trying
24 to get that resolved --

25 Q Anything --

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1 A -- maybe the following week.

2 Q So -- but -- okay. When the customer --
3 maybe it's not a question you can answer. But would
4 the customer typically go live on like a Thursday,
5 or was there a particular day, or did it just
6 depend?

7 A It would just depend.

8 Q And the amount of time you would have to
9 spend after the customer went live also would depend
10 on how many problems the customer was encountering?

11 A Yes.

12 Q Did you provide any support to the
13 customer after you had left the facility and moved
14 on to your next implementation, or did you transfer
15 them to the support team?

16 A If they had any questions, they knew that
17 they could call us. We set them up with, you know,
18 right away saying, if it's anything major, they
19 would have to contact the support team. But we
20 tried to give them as much support as possible
21 after, you know, after the go-live date --

22 Q Was there --

23 A -- for a certain extent.

24 Q Was there a particular period of time in
25 which they could call you?

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1 A No, not really. I mean -- and during
2 those first couple of weeks, two or three weeks in
3 between times, you know, some of the customers would
4 have a question, and they felt comfortable calling
5 us and asking us.

6 Q And when you say "us," you mean...

7 A Well, me or whoever was doing their
8 implementation, yes.

9 Q Okay. But you would get calls after you
10 had left, after the customer had gone live, about,
11 you know, particular issues that would come up?

12 A Yes.

13 Q And that would be when you were on the
14 site of a different implementation?

15 A Yes.

16 Q Have --

17 MR. McKEEBY: -- I'm going to show her
18 this document.

19 Q (By Mr. McKeeby) This is a document that
20 I'll represent to you the company produced in the
21 case that -- in the lawsuit -- that I understand to
22 have entries for your times during your employment?

23 A Yes.

24 Q Let me ask you, first: Have you ever
25 seen a document like this?

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1 implementation specialists whose names you can't
2 remember?

3 A That's correct. John-somebody and
4 Gary-somebody.

5 Q Okay. That at least gives us a first
6 name. Let me ask you about how you recorded your
7 time while you were first in the shadowing capacity
8 that we discussed.

9 A I didn't record my time.

10 Q At any point during your employment with
11 Tyler Technologies?

12 A No.

13 Q Let me ask you that in a different way,
14 because we got kind of a double-negative.

15 At any point in time -- did you, at any point
16 in time during your employment with Tyler
17 Technologies, record your time?

18 A No.

19 Q And when I'm using the term "record your
20 time," I'm using that term, or intending to use that
21 term, fairly broadly, in the sense of did you enter
22 the amount of hours that you worked into a computer
23 program? Did you enter it into some type of form?
24 Anything like that to record particular time spent
25 on particular functions, travel time, for example,

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1 or anything like that?

2 A Not that I recall.

3 Q Do you know if, independent from anything
4 that you did, whether or not the company did
5 anything to track your time?

6 A No. I don't know.

7 Q And from that, I'll take it you never saw
8 any time reports or anything, time sheets, or
9 anything like that where it would attribute
10 particular numbers of hours to work that you
11 performed?

12 A No.

13 Q Were you ever required to give anything
14 like that to any of the customers at Tyler that you
15 visited?

16 A No.

17 Q Did you have any concept during your
18 employment at Tyler as to whether or not certain
19 functions that you performed at Tyler were
20 billable -- was billable time as opposed to
21 non-billable time?

22 A When I was at Tyler Technologies, it was
23 non-billable. When I was at a client, it was
24 billable to the client.

25 Q So by that you mean when you were on site

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1 at the client, you had an understanding that your
2 time at the client was billable to the client?

3 A Correct.

4 Q Did you have an understanding of how
5 Tyler billed your time to the client, in the sense
6 of how did Tyler know how much time to bill a
7 particular client, or is that something that just
8 wasn't used?

9 A I -- I don't recall.

10 Q Did you keep any personal documents like
11 a journal, a Day-Timer, a calendar, or anything like
12 that that would record the number of hours that you
13 worked while you were employed at Tyler?

14 A I did have a Day-Timer.

15 Q And I take it by your verb tense that you
16 no longer have the Day-Timer?

17 A I would doubt it.

18 Q Have you looked for it?

19 A No.

20 Q So it's possible that you still have it?

21 A Possible, not probable.

22 Q What type of entries did you have in your
23 Day-Timer as to your services with Tyler?

24 A Hours spent at the client.

25 Q And what was your purpose in recording